

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In Re:

Case No. 18-13101

Mary F. Hernandez  
*aka Mary Rocha*

Chapter 13

Debtor.

Hon. Judge Timothy A. Barnes

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NOTICE OF MOTION OF NISSAN MOTOR ACCEPTANCE CORPORATION DBA  
NISSAN INFINITI LT TO MODIFY AUTOMATIC STAY

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**VIA ELECTRONIC NOTICE:**

Marilyn O Marshall, 224 South Michigan, Suite 800, Chicago, IL 60604

David M. Siegel, Debtor's Counsel, David M. Siegel & Associates, 790  
Chaddick Drive, Wheeling, IL 60090

**VIA U.S. MAIL:**

Mary F. Hernandez, 129 Hastings Ave, Elk Grove Village, IL 60007

PLEASE TAKE NOTICE that on June 8, 2020, we have electronically sent for filing with the Clerk of the U.S. Bankruptcy Court, a Motion of Nissan Motor Acceptance Corporation dba Nissan Infiniti LT to Modify Automatic Stay, a copy of which is hereto attached.

Please take notice that on July 2, 2020 at 1:30 p.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Timothy A. Barnes, or any judge sitting in that judge's place, and present the attached ***Motion of Nissan Motor Acceptance Corporation dba Nissan Infiniti LT to Modify Automatic Stay***, which has been electronically filed this date with the Clerk of the U.S. Bankruptcy Court for the Northern District of Illinois, a copy of which is hereby attached and served upon you by electronic notice or U.S. Mail.

**This motion will be presented and heard telephonically.** No personal appearance in court is necessary or permitted. To appear and be heard telephonically on the motion, you must set up and use an account with Court Solutions, LLC. You can set up an account at [www.Court-Solutions.com](http://www.Court-Solutions.com) or by calling Court Solutions at (917) 746-7476.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion without a hearing.

Dated: June 8, 2020

Respectfully Submitted,

/s/ Molly Slutsky Simons

Molly Slutsky Simons (OH 0083702)  
Sottile & Barile, Attorneys at Law  
394 Wards Corner Road, Suite 180  
Loveland, OH 45140  
Phone: 513.444.4100  
Email: [bankruptcy@sottileandbarile.com](mailto:bankruptcy@sottileandbarile.com)  
Attorney for Movant

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the above-named parties by electronic filing or, as noted above, by placing same in a properly addressed and sealed envelope, postage prepaid, and depositing it in the United States Mail at 394 Wards Corner Rd., Suite 180, Loveland, OH 45140 on June 8, 2020, before the hour of 5:00 p.m.

/s/ Molly Slutsky Simons

Molly Slutsky Simons (OH 0083702)  
Attorney for Movant

**UNITED STATES BANKRUPTCY COURT  
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**MOTION OF NISSAN MOTOR ACCEPTANCE CORPORATION DBA NISSAN  
INFINITI LT TO MODIFY AUTOMATIC STAY**

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Nissan Motor Acceptance Corporation dba Nissan Infiniti LT (hereinafter, “Movant”), a secured creditor herein, by its attorneys, the law firm of Sottile & Barile, LLC, respectfully requests this Court, pursuant to Section 362 of the Bankruptcy Code, and such other Sections and Rules as may apply, to enter an Order modifying the automatic stay to allow Movant to obtain possession of its secured collateral. In support thereof, Movant states as follows:

1. On May 4, 2018, Mary F. Hernandez (“Debtor”) filed a Voluntary Petition for Relief under Chapter 13 of the Bankruptcy Code
2. Movant is a creditor of the Debtor with respect to a certain indebtedness secured by a lien upon a 2017 NISSAN SENTRA motor vehicle bearing a Vehicle Identification Number (“VIN”) of 3N1AB7AP5HY247506 (the “Vehicle”). (Ex. “A”).
3. As set forth in the Motor Vehicle Lease Agreement (the “Lease”) attached as part of Exhibit “A”, Debtor was required to tender equal monthly payments to Movant, each in the sum of \$219.98 (Ex. “A”).
4. Debtor has failed to make required payments to Movant due on and after September 1, 2019, resulting in a default and a total outstanding balance due to Movant from Debtor

- in the sum of \$11,466.69. Debtor's Confirmed Amended Chapter 13 provides for Debtor to make payments direct to Creditor.
5. As such, Movant seeks relief from the automatic stay so that it may take possession of and sell the Vehicle and apply the proceeds from such sale to the balance due from Debtor.
  6. Debtor has not offered, and Movant is not receiving, adequate protection for its secured interest or depreciating value.
  7. Debtor has no equity in the Vehicle, and the Vehicle is not necessary to an effective reorganization by the Debtor. The value of the vehicle per NADA is \$10,725.00. Movant will suffer irreparable injury, harm and damage should it be delayed in taking possession of the Vehicle and asserting its security interest therein.
  8. Movant requests that Bankruptcy Rule 4001(a)(3) not apply to any Order granting this Motion

**WHEREFORE**, Movant respectfully requests that this Court enter an Order, as attached hereto, modifying the automatic stay provided by Section 362 of the Bankruptcy Code to permit Movant to take immediate possession of and assert its security interest in the 2017 NISSAN SENTRA motor vehicle bearing a Vehicle Identification Number ("VIN") of 3N1AB7AP5HY247506; waiving the 14-day stay provided for in Bankruptcy Rule 4001(a)(3); and, for such other, further and different relief as this Court deems just and proper.

Dated: June 8, 2020

Respectfully Submitted,

/s/ Molly Slutsky Simons

Molly Slutsky Simons (OH 0083702)

Sottile & Barile, Attorneys at Law

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Loveland, OH 45140

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Attorney for Movant